

EXHIBIT C

IN THE STATE COURT OF GWINNETT COUNTY
STATE OF GEORGIA

JEREMY E. PHILLIPS,

Plaintiff,

v.

SCHWAN'S BAKERY, INC.; JOHN DOE(S) 1-
5; ABC CORPORATION(S) (1-5),

Defendants.

Civil Action File
No. 23-C-03284-S5

**CONSENT MOTION TO SUBSTITUTE A PARTY
AND TO DISMISS A PARTY WITHOUT PREJUDICE**

COME NOW plaintiff Jeremy E. Phillips and the nonexistent entity referred to as Schwan's Bakery, Inc., without waiving any rights, and hereby move the Court for an order dismissing without prejudice the nonexistent entity Schwan's Bakery, Inc., and substituting SFC Global Supply Chain, Inc. as defendant. No additional service of the Complaint shall be required as service is deemed to have occurred on May 16, 2023, and the answer shall be due thirty days from that date.

A proposed Order is attached hereto.

Respectfully submitted,

DREW, ECKL & FARNHAM, LLP

S/ G. RANDALL MOODY

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CONSENTED TO BY,

MONGE & ASSOCIATES

S/ J. CRAIG LEWIS (w/ express permission)
(signed with express permission)
J. CRAIG LEWIS
Georgia Bar No. 450725

Attorneys for Plaintiff
8205 Dunwoody Place
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Newnan, Georgia 30263
(770) 573-0368 – phone
(678) 579-0204 – fax
CraigL@monge.lawyer

CERTIFICATE OF SERVICE

This is to certify that I have this day served a copy of the within and foregoing **CONSENT MOTION TO SUBSTITUTE PARTIES** upon all parties concerned via the court's e-filing system which will automatically send email notification of such filing to the attorneys or parties of record:

J. Craig Lewis
MONGE & ASSOCIATES
8205 Dunwoody Place
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Atlanta, Georgia 30350
craigl@monge.lawyer
Attorneys for Plaintiff

This 31st day of May, 2023.

Respectfully submitted,

DREW, ECKL & FARNHAM, LLP

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13540462v1
32250-254741

IN THE STATE COURT OF GWINNETT COUNTY
STATE OF GEORGIA

JEREMY E. PHILLIPS,

Plaintiff,

v.

SCHWAN'S BAKERY, INC.; JOHN DOE(S) 1-5;
ABC CORPORATION(S) (1-5),

Defendants.

Civil Action File
No. 23-C-03284-S5

**ORDER OF SUBSTITUTION OF DEFENDANT AND
DISMISSAL WITHOUT PREJUDICE OF FORMER DEFENDANT**

It appearing to the Court that the parties have so agreed, and for good cause having been shown, it is hereby ordered that the nonexistent entity referred to as defendant Schwan's Bakery, Inc., appearing specially without waiving any rights, is dismissed without prejudice. SFC Global Supply Chain, Inc. is substituted in the place of Schwan's Bakery, Inc. No additional service of the Complaint shall be required as service is deemed to have occurred on May 16, 2023 and the answer shall be due thirty days from that date. The case caption shall be updated to read *Jeremy E. Phillips v. SFC Global Supply Chain, Inc., John Doe(s) 1-5, ABC Corporation(s) (1-5)*. The clerk is directed to note the docket and records accordingly.

SO ORDERED this _____ day of _____, 2023.

Hon. Erica K. Dove
JUDGE, STATE COURT OF GWINNETT COUNTY

ORDER PREPARED BY:

DREW, ECKL & FARNHAM, LLP

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(signed with express permission)

J. CRAIG LEWIS

[Attorney for plaintiff](#)

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13540672v1

32250-254741

IN THE STATE COURT OF GWINNETT COUNTY
STATE OF GEORGIA

JEREMY E. PHILLIPS,

Plaintiff,

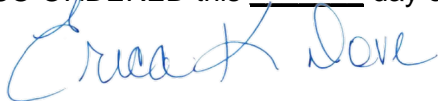
v.

SCHWAN'S BAKERY, INC.; JOHN DOE(S) 1-
5; ABC CORPORATION(S) (1-5),

Defendants.

Civil Action File
No. 23-C-03284-S5**ORDER OF SUBSTITUTION OF DEFENDANT AND
DISMISSAL WITHOUT PREJUDICE OF FORMER DEFENDANT**

It appearing to the Court that the parties have so agreed, and for good cause having been shown, it is hereby ordered that the nonexistent entity referred to as defendant Schwan's Bakery, Inc., appearing specially without waiving any rights, is dismissed without prejudice. SFC Global Supply Chain, Inc. is substituted in the place of Schwan's Bakery, Inc. No additional service of the Complaint shall be required as service is deemed to have occurred on May 16, 2023 and the answer shall be due thirty days from that date. The case caption shall be updated to read *Jeremy E. Phillips v. SFC Global Supply Chain, Inc., John Doe(s) 1-5, ABC Corporation(s) (1-5)*. The clerk is directed to note the docket and records accordingly.

SO ORDERED this 1st day of June, 2023.

Hon. Erica K. Dove
JUDGE, STATE COURT OF GWINNETT COUNTY

ORDER PREPARED BY:

DREW, ECKL & FARNHAM, LLP

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MONGE & ASSOCIATES

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(signed with express permission)

J. CRAIG LEWIS

[Attorney for plaintiff](#)

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IN THE STATE COURT OF GWINNETT COUNTY

STATE OF GEORGIA

JEREMY E. PHILLIPS,

Plaintiff,

v.

SFC GLOBAL SUPPLY CHAIN, INC.; JOHN
DOE(S) 1-5; ABC CORPORATION(S) 1-5),

Defendants.

Civil Action File
No. 23-C-03284-S5

ANSWER

COMES NOW SFC Global Supply Chain, Inc., defendant in the above-styled civil action, and answers plaintiff's Complaint as follows:

FIRST DEFENSE

Portions of plaintiff's Complaint fail to state or set forth claims against the defendant upon which relief can be granted.

SECOND DEFENSE

Plaintiff's claims may be barred by reason of the Georgia Doctrine of Assumption of Risk.

THIRD DEFENSE

The defendant shows that the plaintiff's alleged damages, if any, were directly and proximately caused by plaintiff's own contributory and comparative negligence and failure to exercise ordinary care.

FOURTH DEFENSE

In further answer, the defendant shows that the matter in question and plaintiff's damages, if any, may have been caused by the acts and failure to act of persons or entities other than the defendant.

FIFTH DEFENSE

The plaintiff by the exercise of ordinary care could have avoided the consequences of any act or failure to act of the defendant.

SIXTH DEFENSE

If the defendant was negligent, which defendant emphatically denies, the negligence of the plaintiff equaled or exceeded that of the defendant.

SEVENTH DEFENSE

For its seventh defense, the defendant answers plaintiff's Complaint as follows:

1.

Defendant denies the allegations of paragraphs 1, 4, 6, 7, 9, 10, 11, 12, 13, 14, 15, 16, 19, and 20 of plaintiff's Complaint.

2.

Defendant can neither admit nor deny the allegations contained in paragraphs 2, 3, 5, and 18 of plaintiff's Complaint for want of sufficient information to form a belief as to the truth thereof, and puts plaintiff upon strict proof of the same.

3.

In response to paragraph 8 of plaintiff's Complaint, Defendant states that the paragraph contains an incomplete statement of legal conclusion so must be denied as pled although it is believed the excerpt quotes part of a statute.

4.

Defendant denies all other allegations in plaintiff's Complaint.

WHEREFORE, having fully answered, defendant prays that it be discharged without costs.

TRIAL BY JURY IS DEMANDED.

Respectfully submitted,

DREW, ECKL & FARNHAM, LLP

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This is to certify that I have this day served a copy of the within and foregoing **ANSWER** upon all parties concerned via the court's e-filing system which will automatically send email notification of such filing to the attorneys or parties of record:

J. Craig Lewis
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Attorneys for Plaintiff

This 6th day of June, 2023.

Respectfully submitted,

DREW, ECKL & FARNHAM, LLP

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